Exhibit A

COMMONWEALTH OF MASSACHUSETTS

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SUPERIOR COURT DEPARTMENT CIVIL ACTION NO. 168 1 C VO 2048

JOSEPH CALLAHAN,	···················
	,
Plaintiff,)
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•)
MARRIOTT INTERNATIONAL, INC.,	`in
AND THE PROPERTY OF THE PARTY O	anaj
OTIS ELEVATOR COMPANY,	1
	,
Defendants	```

COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes Joseph Callahan, plaintiff in the above-captioned action and hereby files this Complaint and shows the Court as follows:

FACTS COMMON TO ALL COUNTS

- The plaintiff, Joseph Callahan, is an individual residing in Woburn, Middlesex County, Massachusetts.
- 2. The defendant, Marriott International, Inc., is a duly organized corporation with a usual and customary place of business located at 1000 Marriott Drive in Quincy, Norfolk County, Massachusetts.
- Service may be made upon the defendant, Marriott International, Inc., at its usual and customary place of business located at 1000 Marriott Drive in Quincy, Norfolk County, Massachusetts.
- The defendant, Otis Elevator Company, is a duly organized corporation with a usual and customary place of business located at 95 Shawmut Road, Unit 2, located in Canton, Norfolk County, Massachusetts.

- Service may be made upon the defendant, Otis Elevator Company, at its usual and customary place of business located at 95 Shawmut Road, Unit 2, located in Canton, Norfolk County, Massachusetts.
- On or about July 17, 2013, the defendant, Marriott International, Inc., owned and operated the Boston Marriott Quincy Hotel ("Marriott Quincy") located at 1000 Marriott Drive in Quincy, Norfolk County, Massachusetts.
- 7. At all relevant times, the defendant, Marriott International, Inc., was responsible for the cleaning, maintenance, repair, inspection, and safety of the Marriott Quincy hotel.
- 8. On or about July 17, 2013, the defendant, Otis Elevator Company, was the elevator maintenance contractor for the Marriott Quincy hotel.
- 9. At all relevant times, the defendant, Otis Elevator Company, was responsible for the cleaning, maintenance, repair, inspection, and safety of the elevators located on the premises of the Marriott Quincy hotel.
- 10. At all relevant times, the plaintiff, Joseph Callahan, was lawfully on the premises of the Marriott Quincy hotel.
- 11. At all relevant times the plaintiff, Joseph Callahan, was in the exercise of due care.
- 12.) At all relevant times, there was a malfunctioning elevator ("clevator") on the premises that was creating an unreasonably dangerous and unsafe condition.
- 13. At all relevant times, the plaintiff, Joseph Callahan, was using the elevator to travel from the ninth floor down to the fifth floor of the Marriott Quincy hotel.
- 14. On or about July 17, 2013, the malfunctioning elevator abruptly stopped without warning and jolted the plaintiff, Joseph Callahan.

- 15. The defendant, Marriott International, Inc., knew, or in the exercise of due care should have known, that the malfunctioning elevator was creating an unreasonably dangerous and unsafe condition.
- 16. The defendant, Otis Elevator Company, knew, or in the exercise of due care should have known, that the malfunctioning elevator was creating an unreasonably dangerous and unsafe condition.

COUNT I

(Negligence -- Marriott International, Inc.)

- 17. The plaintiff, Joseph Callahan restates, and incorporates by reference the allegations contained in paragraphs one (1) through sixteen (16) as if set forth here in their entirety.
- 18. The defendant, Marriott International, Inc., negligently repaired, maintained, inspected, and monitored the malfunctioning elevator so that it was creating an unreasonably dangerous and unsafe condition.
- 19. As a direct and proximate result of the negligence of the defendant, Marriott

 International, Inc., the elevator was caused to abruptly stop without warning and jolt
 the plaintiff, Joseph Callahan.
- 20. As a direct and proximate result of the negligence of the defendant, Marriott

 International, Inc., the plaintiff, Joseph Callahan, has suffered and will continue to
 suffer great pain of body and anguish of mind; his ability to work, earn income, and
 perform his usual activities has been restricted; his health has been impaired; he has

- been required to spend sums of money for his continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.
- 21. WHEREFORE, the plaintiff, Joseph Callahan requests that judgment be entered against the defendant, Marriott International, Inc., plus interest, costs and reasonable attorney's fees.

COUNT II

(Failure to Warn - Marriott International, Inc.)

- 22. The plaintiff, Joseph Callahan restates, and incorporates by reference the allegations contained in paragraphs one (1) through sixteen (16) as if set forth here in their entirety.
- 23. The defendant, Marriott International, Inc., negligently failed to provide adequate warnings to the plaintiff, Joseph Callahan, that there was a dangerous and unsafe condition in the malfunctioning elevator.
- 24. As a direct and proximate result of the negligence of the defendant, Marriott
 International, Inc., the malfunctioning elevator was caused to abruptly stop without
 warning and jolt the plaintiff, Joseph Callahan.
- As a direct and proximate result of the negligence of the defendant, Marriott International, Inc., the plaintiff, Joseph Callahan, has suffered and will continue to suffer great pain of body and anguish of mind; his ability to work, earn income, and perform his usual activities has been restricted; his health has been impaired; he has been required to spend sums of money for his continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.

26. WHEREFORE, the plaintiff, Joseph Callahan, requests that judgment be entered against the defendant, Marriott International, Inc., plus interest, costs, and reasonable attorney's fees.

COUNT III

(Negligence - Otis Elevator Company)

- 27. The plaintiff, Joseph Callahan restates, and incorporates by reference the allegations contained in paragraphs one (1) through sixteen (16) as if set forth here in their entirety.
- 28. The defendant, Otis Elevator Company, negligently cleaned, repaired, maintained, inspected, and monitored the defective elevator so that it was creating an unreasonably dangerous and unsafe condition.
- 29. As a direct and proximate result of the negligence of the defendant, Otis Elevator Company, the elevator was caused to abruptly stop without warning and jolt the plaintiff, Joseph Callahan.
- As a direct and proximate result of the negligence of the defendant, Otis Elevator Company, the plaintiff, Joseph Callahan, has suffered and will continue to suffer great pain of body and anguish of mind; his ability to work, earn income, and perform his usual activities has been restricted; his health has been impaired; he has been required to spend sums of money for his continued medical care and treatment; and his ability to enjoy a normal life has been adversely affected.

31. WHEREFORE, the plaintiff, Joseph Callahan requests that judgment be entered against the defendant, Otis Elevator Company, plus interest, costs and reasonable attorney's fees.

COUNT IV

(Failure to Warn - Otis Elevator Company)

- 32. The plaintiff, Joseph Callahan restates, and incorporates by reference the allegations contained in paragraphs one (1) through sixteen (16) as if set forth here in their entirety.
- 33. The defendant, Otis Elevator Company, negligently failed to provide adequate warnings to the plaintiff, Joseph Callahan, that there was a dangerous and unsafe condition in the defective elevator.
- 34. As a direct and proximate result of the negligence of the defendant, Otis Elevator Company, the defective elevator was caused to abruptly stop without warning and jolt the plaintiff, Joseph Callahan.
- As a direct and proximate result of the negligence of the defendant, Otis Elevator

 Company, the plaintiff, Joseph Callahan, has suffered and will continue to suffer

 great pain of body and anguish of mind; his ability to work, earn income, and perform

 his usual activities has been restricted; his health has been impaired; he has been

 required to spend sums of money for his continued medical care and treatment; and

 his ability to enjoy a normal life has been adversely affected.

36. WHEREFORE, the plaintiff, Joseph Callahan, requests that judgment be entered against the defendant, Otis Elevator Company, plus interest, costs, and reasonable attorney's fees.

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL COUNTS

Respectfully submitted, Plaintiff, Joseph Callahan, By his attorneys,

Jeffrey S. Glassman, Esq. BBO#559112 Michael M. D'Isola, Esq. BBO#548279 Law Offices of Jeffrey S. Glassman, LLC One International Place, 18th Floor Boston, MA, 02110

Boston, MA 02110 (617) 367-2900

Dated: 7/15/2016

Case 1:16-cv-12039-RWZ Document 1-1 Filed 10/11/16 Page 9 of 9

ADDRESS: JOSEPH Callahan ADDRESS: JOSEPH Callahan ADDRESS: JOSEPH Callahan ADDRESS: JOSEPH Callahan ADDRESS: One International Place, 18th Floor Boston, MA 02110 ATTORNEY: Jeffrey S. Glassman, Esq. ADDRESS: One International Place, 18th Floor Boston, MA 02110 BBO: SS9112 TYPE OF ACTION AND TRACK DESIGNATION (see reverse side) CODE NO. TYPE OF ACTION (specify) TRACK HAS A JURY CLAIM BEEN MAD Other Negligence - Personal Injury F YES NO "If "Other" please describe: STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A* The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money this form, deregard double or trebite damage claims; indicate single damages only A. Documented medical expenses to date: 1. Total hospital expenses to date: 1. Total hospital expenses to date: 1. Total hospital expenses to date: 2. Total declor expenses S. 3. Total chippractic therapy expenses S. 4. Total physical therapy expenses S. 5. Total other expenses Claims of the physical therapy expenses S. 5. Total other expenses A claim of the physical therapy expenses S. 6. Documented from the damages of describe below) Subtotal (A): \$ COMPACT CLAIMS (attach additional sheets as necessary) Decommended from the damages (describe below) Subtotal (A): \$ Reasonably anticipated them and hospital expenses S. 8. Reasonably anticipated them of damages (describe below) S. Briefly describe plaintiff sighty, including the nature and extent of injury. TOTAL (A-F): \$ CONTRACT CLAIMS (attach additional sheets as necessary)	, CIVIL	ACTION COVER SHEET	DOCKET NUMBER Pending		Trial Court of Massachusetts The Superior Court	
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